Department of Environment and Labour

Occupational Health and Safety

Interpretation Guide for Nova Scotia's WHMIS Regulations

106-06124/

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What is WHMIS?

The Workplace Hazardous Materials Information System (WHMIS) is a nationwide system to provide information on hazardous materials used in the workplace. WHMIS affects workers, employers, suppliers, and regulators. Nova Scotia's WHMIS Regulations place duties on employers at any workplace covered by the Occupational Health and Safety Act where hazardous materials are used, stored, or handled.

WHMIS has three components:

- **Labels** on hazardous materials to alert employers and workers
- **Material Safety Data Sheets** (MSDS) to provide detailed health and safety information on the product
- **Worker Education** to provide instruction on hazards and training in work procedures

What Qualifies as a Hazardous Material?

Controlled products

Some hazardous materials meet the WHMIS requirements. These are called controlled products. Examples are

- compressed gases
- flammable and combustible materials
- oxidizing materials
- poisonous and infectious materials
- corrosive materials
- dangerously reactive materials

Controlled products may be used, stored, or handled in a workplace only if the employer has complied with the requirements for labels, material safety data sheets, and training. The handling of a controlled product includes its disposal.

Some Special Cases (sand, gravel, limestone, and so forth)

Some materials meet the WHMIS definition of a controlled product, yet because of their physical size or shape, would not endanger worker health or safety. Examples of such materials include sand, gravel, or limestone. These meet the WHMIS definition of a controlled product because of their silica content, but would not endanger worker health or safety when piled on the site of a quarry or a construction project, nor would they be easy to label.

The WHMIS regulations do not specifically address such materials or circumstances. However, under Occupational Health and Safety Division policy, the WHMIS requirements (labels, materials safety data sheets, and training) will only apply if such materials are packaged or processed in such a way that worker health and safety is affected.

What if labels and MSDS are not available?

An employer may store a controlled product in the workplace while trying to get a label or material safety data sheet from the supplier or while trying to get the information needed to produce a workplace label or employer material safety data sheet. However, the employer must affix to the container a label stating that the product is hazardous and cannot be used or handled at the workplace until further information is obtained.

Note: If the supplier informs the employer that labels or material safety data sheets, or both, as required under WHMIS, are not available for a particular controlled product, then the employer should immediately notify the Occupational Health and Safety Division.

Products requiring only label maintenance and workplace education

Some hazardous materials are dealt with under other laws. These are exempt from the requirements of a supplier label and material safety data sheet, but still require workplace education and maintenance of labels arriving on the product. These include

- explosives
- cosmetic devices, drugs, or food
- pest control products
- radioactive substances
- things packaged as a consumer product

If any of these materials are present or used in the workplace, the employer must ensure that the original labels, as required by the controlling legislation, are kept visible and legible. If not, the employer must either replace the original label or provide a workplace label. (For a description of a workplace label, see page 8 under Workplace Label.) Similarly, if any of the material is decanted from the labelled container, the employer must provide a workplace label for the second container. (For more information on decanted products, see page 12 under Workplace Label for Decanted Products.)

The employer must also provide worker training if any of these materials are present or used in the workplace. The supplier exemption for these materials applies only to the finished product, and only in respect of the supplier's obligation to his customers. Remember that the supplier is also an employer and, as such, has obligations under WHMIS to their own workers. That means that the supplier may have to provide a workplace label for use in their own plant for any of the materials listed above. Also, if any controlled products are used to make these materials, then all WHMIS requirements apply to the controlled products.

Hazardous Waste (identify and train)

These regulations have limited application to hazardous waste. If hazardous waste is generated in the workplace and stored on site before disposal, then the employer must identify all containers of hazardous waste and train any workers who may be exposed to the hazardous waste about its safe storage and handling. Any means of container identification is acceptable if the workers understand it. Examples include

- colour coding of hazardous waste containers (in combination with education to ensure that workers will recognize the meaning of the colour)
- a warning sign with the words "Caution—Hazardous Waste"
- a warning sign with a picture that conveys the appropriate message

The employer is not required to provide a workplace label or a material safety data sheet for containers of hazardous waste.

Exempted products

The following materials are exempted under WHMIS:

- manufactured articles — This means any article that is formed to a specific shape or design during manufacture whose intended use depends on its shape or design and that, under normal conditions of use, will not cause a person to be exposed to a controlled product. Examples include brake shoes and mufflers. Both use materials that would meet WHMIS criteria, but they are exempt because they are manufactured in a specific shape and are meant to be used without modification.
- wood or products made of wood
- tobacco or products made of tobacco
- products being handled, offered for transport, or transported under the Transportation of Dangerous Goods Act (Canada) UNLESS the driver will be exposed to the product. If the driver is exposed to the controlled product, then the driver should have access to a material safety data sheet at the point of loading or unloading and should undergo training as outlined in the section on Employee Education (see page 27). Drivers are exposed if they are actively involved in the loading and unloading of the product, such as on an oil or gasoline truck.

Labels

The Supplier Label

The employer must ensure that every container of a controlled product received from a supplier has a supplier label unless the product is exempted from this requirement. The supplier label must include such information as hazard symbols, risk phrases, precautionary measures, and first aid measures, all of which are to be displayed within a distinctive border.

If a controlled product arrives at the workplace without a supplier label, it can be stored but not used until a supplier label is obtained. However, the employer must affix a label indicating there is a hazard. The product cannot be used or handled until more information is obtained.

The employer must also ensure that until the supplier container is empty, the supplier label is not deliberately removed, destroyed, or changed. To protect legitimate trade secrets, this requirement is subject to one exception that is described under the section on confidential business information.

If the supplier label is accidentally removed or can no longer be read, then the employer must replace it. In replacing the original supplier label, the employer may either use a new supplier label, if there are extras on hand, or the employer may make a workplace label.

The Workplace Label

The workplace label is a label the employer produces. It is not as specific as the supplier label. The workplace label must do all of the following:

- identify the product
- provide information for the safe handling of the product
- indicate that a material safety data sheet, if supplied or produced, is available

The workplace label requires no specific wording or format. Requirements are deliberately broad and general. However, in spite of the flexibility given to the employer under these regulations, some commonly understood expectations as to what constitutes an acceptable workplace label follow:

First, in identifying the product, the workplace label must indicate one of the following: the brand name, code name, code number, chemical name, common name, generic name, or trade name of the controlled product. A product identifier on a label must correspond with one on a material safety data sheet.

Second, "information for the safe handling of the product" means precautions the worker must observe to minimize the risks of adverse health effects or physical injury. Alternatively, hazard information about the product can be given instead of precautionary measures, as long as through the worker education program, the worker understands the precautions to be taken to guard against the specific hazards.

Third, if a material safety data sheet is available for the controlled product, then the workplace label must say so. This material safety data sheet may be one provided by the supplier of the product or one prepared by the employer. For some controlled products such as exempted products and products requiring only label maintenance and worker education, no data sheet may be available (See pages 4–6). In such cases the workplace label does not have to have any statement regarding a material safety data sheet.

The true test of the workplace labelling system (the label plus education relating to the label) is whether the system used in a particular workplace can convey all the necessary health and safety information to the worker.

Inner Containers

If the employer receives a controlled product in a multi-container shipment, and the inner containers have not been labelled by the supplier, then the employer must put labels on all inner containers when the outer container is opened. The labels must meet all the requirements of supplier labels.

Imports

If the employer receives a controlled product that has been imported into Canada that has no supplier label and that has been shipped directly to the employer's workplace from the off-shore source, then the employer must label the controlled product with a label that meets the requirements of a supplier label.

Bulk Shipments

"Bulk shipment" means a shipment of a controlled product that is contained without intermediate packaging in one of the following:

- a vessel with a water capacity of more than 454 litres (100 gallons)
- a freight container, road vehicle, railway vehicle, portable tank freight container (carried on a road vehicle, railway vehicle, ship, or aircraft), or a portable tank (carried on a road vehicle, railway vehicle, ship, or aircraft)
- the hold of a ship
- a pipeline

If a controlled product is received at the workplace as a bulk shipment, then the employer must attach a label to the container of the controlled product or to the controlled product. The employer can use either a supplier label or a workplace label depending on the circumstances.

Workplace Label for Employer-Produced Products

Under WHMIS, a controlled product that is produced in a workplace for further use in that workplace, as opposed to being purchased from an outside supplier, must be labelled. In such cases the employer must provide a workplace label.

These regulations do not place an explicit requirement on the employer to classify controlled products produced in the workplace according to the WHMIS hazard criteria. However, that classification will assist the employer to comply with the other requirements of these regulations for workplace labels and material safety data sheets.

To determine whether a material produced in the workplace is a controlled product, and if so, to classify that controlled product according to the WHMIS hazard criteria, refer to Part IV of the federal Controlled Products Regulations, which sets out the criteria for the classification of controlled products. Contact the Canadian Centre for Occupational Health and Safety if you need help to properly classify controlled products produced in the workplace. See contact information at the end of this guide.

The WHMIS Regulations do not require the employer to provide a workplace label for gases or particles that escape as part of a process. For example, gases from an oil refinery, vapours from a brewing process, or sawdust from a sander. However, the employer must identify areas in which such emissions may constitute a hazard to persons.

The employer is not required to put a workplace label on a controlled product that is packaged for sale and already labelled or about to be labelled. For example, a controlled product that is in a container ready for sale or distribution to retail outlets and appropriately labelled as a consumer product. If the controlled product is packaged for sale but is not about to be appropriately labelled, then it may be identified by a placard for a brief interval. See page 14.

Workplace Label for Decanted Products

In general, if a controlled product is transferred from the supplier container into another container at the workplace, then the second container must have a workplace label.

There are two instances when a controlled product can be transferred from a supplier container to another container, and that second container does not require a workplace label. This is the case when the second container is a portable one, and either

- the controlled product transferred into it is used immediately

OR

- the following three conditions are satisfied:
  - the controlled product is used only by the worker who filled the portable container
  - the controlled product is used only during the shift in which the portable container was filled
  - the contents of the portable container are identified in a legible manner

Special provisions applicable to decanted controlled products in a laboratory are discussed at page 18.

Controlled Products in Piping Systems and Vessels

When a controlled product is contained or transferred in one of the following,

- a pipe
- a piping system including valves
- a process vessel
- a reaction vessel
- a tank car, tank truck, ore car, conveyor belt, or similar conveyance

then the employer must ensure the safe use, storage, and handling of the controlled product through a combination of worker education and any mode of identification legible to the workers. (Note: An example of a process or reaction vessel would be the equipment used to age whiskey.)

The employer has a great deal of latitude in labelling a controlled product in a pipe or vessel. There is no strict requirement for a workplace label. As long as the means of identification is understood by the worker, such devices as warning signs, symbols, or colour coding would all be acceptable.

In general, material safety data sheets are required for controlled products contained in piping systems and vessels unless the controlled product is an intermediate undergoing further reaction.

Placard Identifiers

In a limited number of situations the employer may fulfill the labelling requirements of the WHMIS Regulations by posting a placard. The placard posted must do all of the following:

- identify the controlled product
- provide information for the safe handling of the controlled product
- indicate that a material safety data sheet, if supplied or produced, is available
- be clearly visible and legible to workers
- be located so it is clear which product it identifies

The employer fulfills the requirement for a workplace label by posting a placard and meeting all of the following conditions:

- the controlled product is located in an area in which admittance is restricted to authorized employers
- the container of the controlled product is identified through the use of colour coding, labels, or any mode of identification clearly legible to employees
- the employer ensures that the controlled product is not removed from the placarded area until a workplace label is applied to the container, UNLESS all of the controlled product is required for immediate use by the person who removes it

The employer is also allowed to post a placard to meet the labelling requirements of the WHMIS Regulations if any one of the following circumstances apply:

- the controlled product is not in a container
- the controlled product is in a container intended for export
- the controlled product is in a container intended for sale or disposition and it is to be appropriately labelled in the employer's normal course of business and without undue delay

Laboratory Labels

Under WHMIS, the labelling requirements for some controlled products present in a laboratory differ from the labelling requirement for controlled products present in non-laboratory workplaces. In addition, in some cases within the laboratory environment, the WHMIS laws further distinguish between a controlled product that is used in the laboratory and a controlled product that is being tested in the laboratory.

Controlled Products from Laboratory Supply Houses

All of the following information is required on the label of a controlled product that comes from a laboratory supply house, that is intended solely for use in a laboratory, and that is less than 10 kilograms:

- a product identifier
- if a material safety data sheet is available, a statement indicating that fact
- appropriate risk phrases, precautionary measures, and first aid measures

The requirement to provide such a label rests with the supplier. If a controlled product is used in a laboratory, but it does not meet the three criteria of coming from a laboratory supply house, being intended for use in a laboratory, and being packaged in a quantity of less than 10 kilograms, then the employer must ensure the controlled product has a full supplier label.

Laboratory Samples of Controlled Products

Under these regulations, the employer must ensure a controlled product received in the laboratory is labelled appropriately by the supplier.

In general, a sample of controlled product that is sent to a laboratory for testing requires a full supplier label. There is an exception to this general rule if both of the following circumstances apply:

- no material safety data sheet is available for the controlled product
- the sample of the controlled product is less than 10 kg in quantity

In such a case, the laboratory sample of the controlled product does not require a full supplier label but can have a label that discloses all of the following information:

- the product identifier
- if known, the chemical identity or generic identity of hazardous ingredients of the controlled product
- the supplier identifier
- the statement "Hazardous Laboratory Sample" and a telephone number to be called for more hazard information or for emergency purposes

Note 1: Supplier must label laboratory samples
Suppliers must label a laboratory sample of a controlled product with the appropriate supplier label. Details are set out in the federal Controlled Products Regulation (section 16). The employer's duty is to ensure that the supplier has provided the appropriate information before the sample of controlled product is handled in the laboratory.

Note 2: Flexible approach for in-house samples
If a sample of a controlled product is tested in an in-house laboratory, as opposed to being sent to an external laboratory, often no supplier label will come into existence. The employer can comply with the regulations in such a case by using the flexible identification approach discussed under Decanted Products in a Laboratory (page 18).

Note 3: Samples that may contain a controlled product
Sometimes a sample delivered to a laboratory may be impossible for either the supplier or employer to identify its contents in whole or in part. For this reason, these regulations apply if there is "reason to believe" that the sample is a controlled product. Whether or not such a reason exists is likely to be indicated by such things as information from the supplier regarding nature of the sample or the nature of the tests which the laboratory is requested to perform. For example, has the supplier indicated what they think the sample may contain? Has the supplier requested that the sample be tested for the presence of chemical X, where X is a controlled product? If so, the employer will have "reason to believe" that a controlled product may be present, and the item should be labelled as a hazardous laboratory sample.

Decanted Products in a Laboratory

If a controlled product received in a laboratory has been transferred from the original container for use, analysis, testing, or evaluation in the laboratory, then the requirements of the regulations can be met if the employer ensures all of the following:

- the contents of the second container are clearly identified by any mode of identification legible to employees at the workplace
- the program of employee education is properly conducted
- the effect of these procedures is that employees can readily identify and obtain either a material safety data sheet or a label or document disclosing the information provided by the supplier label. The label should include the telephone number to be called for more hazard information or emergency purposes if the supplier was required to do so under the Controlled Products Regulation.

This method of identification is acceptable for decanted quantities of controlled products originating from a laboratory supply house and remaining in a laboratory. It also applies to decanted samples of products that are controlled products or that the supplier, or employer, has reason to believe may be controlled products, if these are intended exclusively for analysis, testing, or evaluation in a laboratory.

Products Produced and Kept in a Laboratory

If a controlled product is produced in a laboratory solely for evaluation, analysis, or testing purposes, then the employer need not apply a workplace label to the controlled product so long as these requirements are followed:

- the controlled product is intended only for analysis or testing in the laboratory and is not removed from the laboratory
- the controlled product is clearly identified by any mode of identification legible to employees at the workplace
- the program of employee education is properly conducted
- the identification and education systems used ensure that employees can readily identify and obtain either the information required on a material safety data sheet, if one has been produced, or such other information as is necessary to ensure the safe use, storage, and handling of the controlled product

Material Safety Data Sheets

Supplier Material Safety Data Sheets

The employer must obtain an up-to-date material safety data sheet from the supplier on or before the first shipment of a controlled product. In these regulations, up-to-date means dated within the last three years. (Note: The supplier must provide a current data sheet only with the first shipment of a controlled product, not with every shipment.)

The employer may provide, and use in the workplace, a material safety data sheet the employer has produced, instead of the supplier's data sheet, on the following two conditions:

- that with the exception of trade secret information the employer-produced or workplace data sheet contains no less information than the supplier data sheet
- that the supplier data sheet is available at the workplace and that the employer-produced data sheet states that fact

If a situation arises in which an employer is trying to produce a data sheet for a particular product, but has conflicting information about that product from two or more suppliers, then the employer should notify the Occupational Health and Safety Division. The Division will evaluate the information in question and tell the employer what information would be acceptable to put on the employer-produced data sheet.

If the employer has a supplier material safety data sheet that has expired (more than three years old) but the controlled product for which the data sheet was originally obtained continues to be used in the workplace, then the employer must obtain a current data sheet from the supplier, if this is possible. The obligation is on the employer, in this case, to ensure the currency of the data sheet.

At times an employer may not be able to obtain an up-to-date supplier material safety data sheet. This may be the case, for example, if the supplier has gone out of business or if the supplier no longer produces the material in question. In such cases, the employer must make reasonable efforts to update the data sheet themselves. Reasonable efforts means, for example, consulting the Canadian Centre for Occupational Health and Safety (CCOHS) for assistance. The CCOHS may already have an updated data sheet for that controlled product on file. The employer would only be responsible for adding new hazard information on the ingredients already listed in the expired data sheet.

Laboratory Material Safety Data Sheet

Under WHMIS, the requirements for material safety data sheets for controlled products present in a laboratory sometimes differ from the requirements for data sheets for controlled products present in non-laboratory workplaces. In addition, the WHMIS laws distinguish between a controlled product that is used in a laboratory and a controlled product that is being tested in a laboratory.

In general, the employer must obtain a supplier material safety data sheet for a controlled product used in a laboratory. There is an exception to this requirement, if all of the following conditions are met. The controlled product

- comes from a laboratory supply house
- is intended for use in a laboratory
- is packaged in a quantity of less than 10 kilograms
- has a label that discloses all the information normally required on a supplier material safety data sheet

If a sample of a controlled product is being tested in a laboratory, then there is no requirement for the employer to provide lab workers with a material safety data sheet for the sample if all of the following conditions are met:

- no data sheet is available for the controlled product itself
- the sample of controlled product is less than 10 kilograms
- the sample of controlled product has a label that meets the requirement of section 16 of the federal Controlled Products Regulations (see page 16 of this document)

In any case, if the supplier or employer has produced a material safety data sheet for the controlled product, then this must be made readily available to employees who work in the laboratory.

Employer Material Safety Data Sheets

The employer must prepare material safety data sheets for controlled products that are produced in the workplace, rather than purchased from a supplier. The employer must disclose the same information on a workplace data sheet that the supplier must disclose on a supplier data sheet.

The employer is not required to prepare a data sheet for a fugitive emission or for a controlled product that exists only as an intermediate and is undergoing further reaction within a process or reaction vessel. See page 28 for an explanation of "fugitive emission."

The employer must update the workplace data sheet every three years. However, if new hazard information becomes available, then the data sheet must be updated within 90 days.

Availability of Material Safety Data Sheets

The employer must ensure that copies of all material safety data sheets required at the workplace are readily available to workers who may be exposed to the controlled product, and to the joint occupational heath and safety committee, or health and safety representative, if any.

This means that a printed material safety data sheet must be located close to the workers and accessible to workers during each shift. It is not acceptable, for example, to keep data sheets in an office that is remote from the shop floor or that is locked during the night shift.

The employer may use computer storage for data sheets if the employer does all of the following:

- ensures that the material safety data sheet is made readily available for viewing on a video display terminal or a computer terminal in the workplace
- takes all reasonable steps to keep the computer terminal in working order
- makes a printout or other physical copy available for viewing upon the request of an employee, a member of the joint occupational health and safety committe, or a health and safety representative

Confidential Business Information

Deletions from a Label or Material Safety Data Sheet

Under WHMIS, confidential business information is protected from disclosure. Under these regulations, the employer has the right to make a claim for exemption from the requirement to disclose on a label or material safety data sheet certain confidential business information.

If the government accepts an employer's or supplier's application for exemption from the requirement to disclose certain information on a supplier or employer material safety data sheet on the grounds that the information is a trade secret, then the employer and supplier may withhold the information in question from the data sheet or any label.

Health and safety information may never be deleted from a material safety data sheet or label.

Alternative Information and Medical Emergencies

The information that is deleted from a material safety data sheet or a label must be replaced with one of two statements. The choices are explained below.

If a supplier deletes information that is the subject of an application for an exemption from the requirement to disclose information required by the Controlled Products Regulations, this application would be made to a federal agency known as the Hazardous Materials Information Review Commission. A statement in compliance with sections 26 or 27 of the Controlled Products Regulations would replace the information on the label or data sheet provided by the supplier. If an exemption from disclosure is granted under the Hazardous Materials Information Review Act, it remains valid for three years, after which a new application for exemption may be made.

If an employer deletes information that is recognized as confidential by the employer or supplier and that would qualify as a trade secret, if no exemption from disclosure has been claimed under the Hazardous Materials Information Review Act, then the information must be replaced by the following words and contact information:

- the words "trade secret"
- an emergency telephone number of the employer or supplier that will enable a treating physician or nurse to obtain information from the supplier or the employer about the specific chemical identity of the controlled product for the purpose of giving medical treatment to a person in an emergency

See also section 3 of the Disclosure of Information Regulations. These regulations describe the administrative process by which a trade secret exemption is addressed by the Director of Occupational Health and Safety, by the Courts, and by health professionals. This expressly requires an employer or supplier to release information on a hazardous chemical, despite a trade secret claim, if this is sought by a treating physician or nurse to give aid in an emergency.

Any person who learns confidential business information about a controlled product as the result of a medical emergency (for example, a doctor or nurse) must maintain the confidentiality of that information. The Disclosure of Information Regulations require that such a person execute a written statement of need and a confidentiality agreement as soon as circumstances permit, if required by the employer or supplier.

An employer may withhold trade secret information from the time the claim is filed, for as long as it takes to adjudicate the claim. If the claim is found to be valid, the exemption under the Disclosure of Information Regulation is open-ended, although it may again be challenged at any time.

Confidentiality of Information

A government official who obtains confidential business information from the federal Hazardous Materials Information Review Commission must keep that information confidential. The government official may reveal that information to another person only if it is necessary to do so in order to administer or enforce the provincial occupational health and safety legislation.

Disclosure of Data Source

The employer must disclose, upon request, the source of any toxicological data used in the preparation of a data sheet. Parties can request the employer to disclose the source of toxicological data include a government occupational health and safety officer, a worker, and the joint occupational health and safety committee or health and safety representative.

Employee Education

General Duties of Employer

Under these regulations, the employer has a duty to train "an employee who works with a controlled product or in proximity to a controlled product."

The following points are suggested as guidelines when interpreting the scope of the training requirements:

- An employee who works with a controlled product is any worker who stores, handles, uses, or disposes of a controlled product, or who supervises another worker performing these activities.
- "In proximity" is the area in which worker health and safety could be at risk during:
  - the storage, handling, use, or disposal of the product
  - maintenance operations
  - emergencies, such as an accidental leak or spill

The employer must ensure that a worker who is potentially exposed to a controlled product knows about, or knows how to find out about, all health and safety information provided by the supplier of that product.

If the controlled product is produced in the workplace rather than purchased from an outside supplier, then the employer must ensure that a potentially exposed worker knows about, or knows how to find out about, all hazard information on that product.

The employer should provide specific training to give workers the necessary information.

Specific Training Objectives

These regulations require the employer to train workers regarding all of the following:

- the general content, purpose, and significance of information on a supplier or workplace label and a material safety data sheet
- the necessary procedures for the safe use, storage, handling, and disposal of a controlled product
- the safe use, storage, handling, and disposal of a controlled product that is held or transferred in any of the following:
  - a pipe
  - a piping system including valves
  - a process vessel
  - a reaction vessel
  - a tank car, tank truck, ore car, conveyor belt, or similar conveyance
- the procedures to be followed if fugitive emissions are present. In these regulations fugitive emission refers to a small amount of a controlled product that is known to escape from process equipment or from emission control equipment. It does not refer to an escaped amount that would require any type of containment, or clean-up measures to be taken
- the procedures to be followed in case of an emergency involving a controlled product

The employer is not required to keep records relating to the training program. However, by doing so, an employer could demonstrate compliance with the training requirements.

Development of Worker Education

The worker education program should be tailored to each individual workplace. When training a worker to handle a controlled product safely, it would not be sufficient, for example, to only review the information on a supplier label and material safety data sheet for a controlled product. That controlled product may be used in a number of different workplaces, and the conditions of use can vary from plant to plant. Therefore, the hazard to the worker is also likely to vary from plant to plant. In explaining the label and data sheet of a controlled product to the worker, the employer is expected to relate that information to the way in which the product is used in that workplace, and relate the information to the health and safety program in that workplace.

In addition, the employer must consult the joint occupational health and safety committee, if there is one, about the content and delivery of the training program.

Evaluation of Worker Education

The employer must ensure that the worker has understood the training material and is able to put into practice, on the job, what they have learned. It is left to the individual employer to devise the means to ascertain that a worker has been properly trained. For example, the employer may ask the worker to take some form of written or oral test, or to participate in a practical demonstration.

Review of Worker Education

The employer must review the training program at least once a year or more often if conditions at the workplace change, or if new information on a controlled product becomes available. The review must take place in consultation with the joint occupational health and safety committee, if any is required or exists in the workplace.

The requirement for a review of the education program is not an absolute requirement for retraining, but, rather, the review is intended to identify whether updating of the training program or retraining of workers is necessary.

Implementation of WHMIS

The Workplace Hazardous Materials Information System (WHMIS) has been implemented across Canada by means of complementary federal and provincial legislation.

Three federal laws are relevant to WHMIS:

- An amended *Hazardous Products Act* that places duties on suppliers, who sell or import a hazardous material for use in a workplace in Canada, to provide supplier labels and material safety data sheets to their customers.
- The *Regulation Respecting Controlled Products* made under the Hazardous Products Act. This regulation prescribes the hazardous materials that will be covered by WHMIS and sets out, in detail, the information to be put on a supplier label and a material safety data sheet.
- The *Hazardous Materials Information Review Act and Regulations*, which set out how confidential business information will be handled at the federal level. These regulations permit some exemptions from the disclosure of trade secrets that are claimed by suppliers of controlled products.

Nova Scotia uses three additional laws to implement WHMIS:

- *Occupational Health and Safety Act*
- *Disclosure of Information Regulations* under that Act
- *WHMIS Regulations* under that Act

To promote consistency across Canada, each provincial and territorial government used the same model to draft its WHMIS regulations.

Where to Get Help

Nova Scotia Department of Environment and Labour Occupational Health & Safety Division
P.O. Box 697
Halifax, NS B3J 2T8
Telephone: 424-5400 (Halifax area)
Toll Free: 1-800-952-2687 (NS only)
Fax: (902) 424-3239
labrohs@gov.ns.ca
www.gov.ns.ca/enla/ohs

Hazardous Materials Information Review Commission
427 Laurier Avenue West, 7th Floor
Ottawa, Ontario K1A 1M3
Telephone: (613) 993-4331
Fax: (613) 993-4686
hmirc-ccrmd@hc-sc.gc.ca
www.hmirc-ccrmd.gc.ca/

Canadian Centre for Occupational Health & Safety
250 Main Street East
Hamilton, Ontario L8N 1H6
Telephone: (905) 570-8094
Toll Free: 1-800-668-4284
Fax: (905) 572- 2206
www.ccohs.ca

Workplace Hazardous Materials Information System

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